

OGC Has Reviewed

Approved For Release 2001/09/01 : CIA-RDP81-00142R000400030003-5

11 September 1978



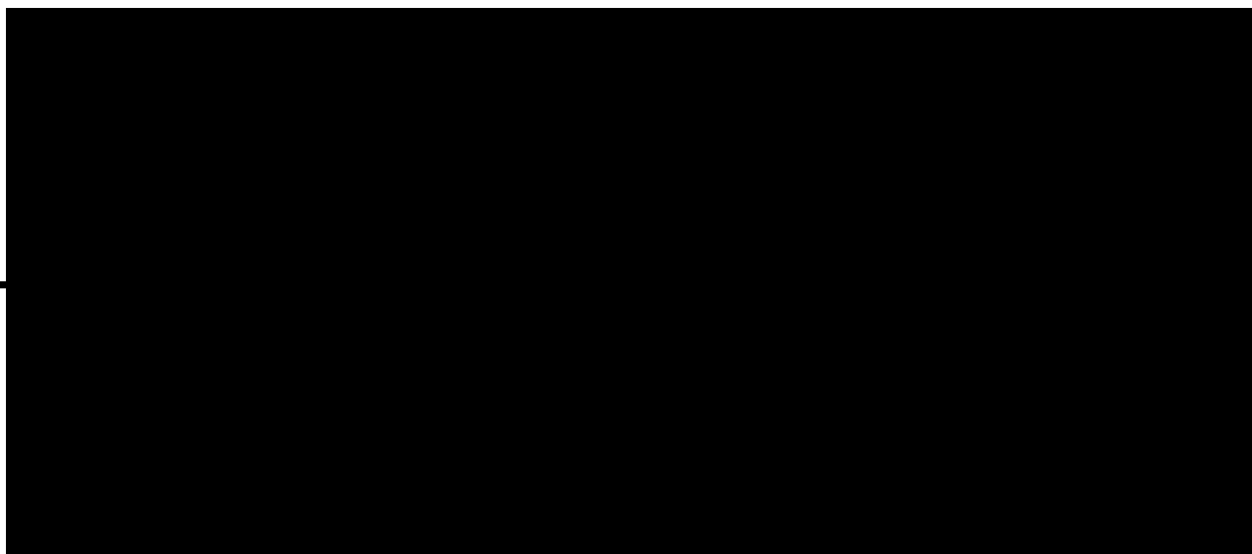
*From
recculate*
MEMORANDUM FOR: Director of Central Intelligence

FROM STATINTL : 
Associate General Counsel

DD/A Registry
File *Recculate*

SUBJECT : Authority to Downgrade an Employee

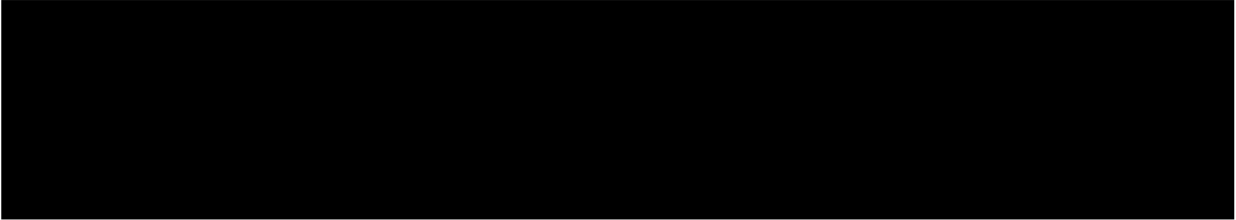
1. You have requested our advice as to the Director's authority to downgrade an employee by one GS grade in a "current disciplinary case." It is understood the employee FOIAb5 is at a supergrade level.



3. The general rule under Civil Service regulations and policies is that an employee may be downgraded only when transferred to a lesser job or if the job which he encumbers is reduced in grade. This rule stems from the Classification Act however, from which CIA is exempt. (As a matter of policy, the Agency adheres to that Act and, generally, to Civil Service procedures thereunder.) In this connection there is pending a lawsuit against the Agency by an employee whose complaint is that he has for a number of years occupied a position classified at a grade level higher than the grade which he holds. He contends that he is entitled to be promoted to the grade of the position since he is obviously performing the duties to at least a satisfactory degree. The Agency's position has been and is that we are not required to and do not adhere to Civil Service policy that an employee must be given the

grade of the position he encumbers. The Justice Department attorneys handling this case essentially have adopted this position and have incorporated it into the pleadings in the case. This of course is no guarantee that the courts will agree, but does indicate that the law espoused by this Agency was acceptable to the Department of Justice.

FOIAb5



STATINTL

Attachment

OGC:RHL:fes

Distribution:

- Original - Addressee
- 1 - DDCI
- 1 - ER via Exec. Secty.
- 1 - OGC

FOIAb5

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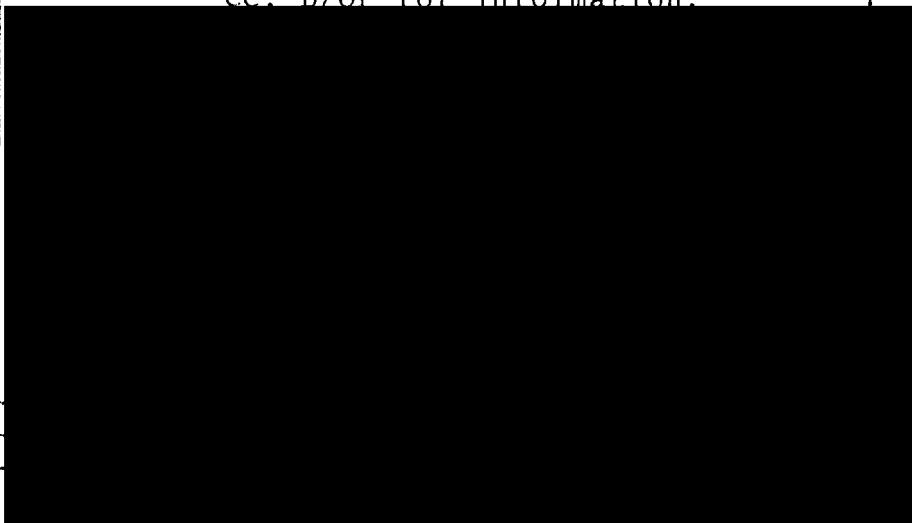
SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM
UNCLASSIFIED 2001/09/01 CONFIDENTIAL 81-00142R000400030003-5

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	EO/DDA	9/5	[Signature]
2			
3	A/DDA	7 FEB 1976	[Signature]
4			
5	DDA	11/18	[Signature]
6	Reg - subj cc.		
	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

cc: D/OP for information.



UNCLASSIFIED

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SECRET

DD/A Registry
78-3495

DCI/E
Routing Slip

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5 SEP 1978

DDA

	ACTION	INFO.			ACTION	INFO.
			11	LC		
CI		X	12	IG		X
C			13	Compt		
&T			14	Asst/DCI		
			15	AO/DCI		
EX A		X	16	Ex/Sec		
D		X	17	SA/DCI/RW		X
CI/IC			18			
CI/NIO			19			
	X		20			

PENSE

ASAP

Date

In connection with a current disciplinary case, the DCI would appreciate a written decision on his authority to downgrade an employee by one GS-grade.



EA/DCI

for DCI/DDC

DD/A Registry
File Personnel

DD/A Registry
78-3495

STATINTL